

Northumbria Research Link

Citation: Smith, Rhona and Bai, Guimei (2011) Creating a culture of human rights education in China. Online Festschrift in Honour of Katarina Tomaševski.

Published by: Raoul Wallenberg Institute

URL: <http://rwi.lu.se/what-we-do/academic-activities/pub/tomasevski/> <<http://rwi.lu.se/what-we-do/academic-activities/pub/tomasevski/>>

This version was downloaded from Northumbria Research Link:
<http://nrl.northumbria.ac.uk/id/eprint/6640/>

Northumbria University has developed Northumbria Research Link (NRL) to enable users to access the University's research output. Copyright © and moral rights for items on NRL are retained by the individual author(s) and/or other copyright owners. Single copies of full items can be reproduced, displayed or performed, and given to third parties in any format or medium for personal research or study, educational, or not-for-profit purposes without prior permission or charge, provided the authors, title and full bibliographic details are given, as well as a hyperlink and/or URL to the original metadata page. The content must not be changed in any way. Full items must not be sold commercially in any format or medium without formal permission of the copyright holder. The full policy is available online: <http://nrl.northumbria.ac.uk/policies.html>

This document may differ from the final, published version of the research and has been made available online in accordance with publisher policies. To read and/or cite from the published version of the research, please visit the publisher's website (a subscription may be required.)



**Northumbria
University**
NEWCASTLE



UniversityLibrary

Creating a Culture of Human Rights Education in China

Rhona Smith and Guimei Bai*

1. Introduction

It is an honour to be asked to write a paper for this volume marking the life and work of Katarina Tomaševski. Among the many facets of her career was an abiding active interest in education, whether as professor, UN Special Rapporteur, researcher or human rights advocate and practitioner. Human rights education attracted her attention: in 2003, she undertook a site visit to China in her role as UN Special Rapporteur on the right to education. Her resultant report¹ was controversial within China. Nevertheless she accepted the opportunity to return to China from 2005–2006 as Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) Visiting Professor in Human Rights at the Peking University Law School, a position she unfortunately was unable to take up (though she guest lectured to masters students on the right to education). It is thus perhaps appropriate that this contribution is jointly authored by Professor Bai Guimei, Executive Director of the Research Centre for Human Rights and Humanitarian Law and head of its Human Rights Master Programme, and Professor Rhona Smith, the fifth and final RWI Visiting Professor in Human Rights at Peking University Law School.

2. Purpose of Human Rights Education

Human rights education is nothing new. “The World Conference on Human Rights considers human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace.”² This builds on education rights, as according to the Vienna Declaration of the World Conference, “[e]ducation should promote understanding, tolerance, peace and friendly relations between the nations and all racial or religious groups”.³ Nowak analyses the breadth of international provisions on education generally, concluding that there are four principal goals of education which have achieved broad universal consensus: to enable a human being freely to develop his or her personality and dignity; to enable a human being to actively participate in a free society in the spirit of mutual tolerance and respect for other civilisations, cultures and religions; to develop respect for one’s parents, the national values of one’s country and for the natural environment; and to develop respect for human rights,

* Professor Bai Guimei is Professor of International Law at Peking University Law School and Executive Director of its Research Centre in Human Rights and Humanitarian Law. She has also published widely in human rights and public international law. Professor Rhona Smith is Professor of International Human Rights at Northumbria University, Newcastle, UK and was RWI Visiting Professor at Peking University Law School 2008–2010, working on the masters direction on human rights. She has also published on international human rights. Staff at the China Office of the Raoul Wallenberg Institute in Beijing – Merethe Borge MacLeod, Xin Wang, Ting Ting Chen and Yifang Chen – provided substantial assistance with the Chinese language source materials cited herewith.

¹ UN Doc. E/CN.4/2004/45/Add.1, 21 November 2003. The visit, confined to Beijing, was undertaken in September 2003, and originated from an invitation issued pursuant to the 2002 China-EU human rights dialogue.

² Vienna Declaration and Programme of Action 1993, Part II.D, para. 78.

³ *Ibid.*, para 33.

fundamental freedoms and the maintenance of peace.⁴ These goals relate not only to ensuring a peaceful prosperous world, but also, most apparently, to creating a culture of human rights awareness, human rights being the framework within which States can create a peaceful society in which groups coexist.⁵

A more specific definition of human rights education was agreed in the Plan of Action for the UN Decade of Human Rights Education (1995–2004). Therein, human rights education is defined as “training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes”.⁶ The successor (current) World Programme elaborates on this:

Human rights education encompasses:

- (a) Knowledge and skills – learning about human rights and mechanisms for their protection, as well as acquiring skills to apply them in daily life;
- (b) Values, attitudes and behaviour – developing values and reinforcing attitudes and behaviour which uphold human rights;
- (c) Action – taking action to defend and promote human rights.⁷

A primary purpose of human rights education is simply to ensure everyone is aware of his or her rights and freedoms, as accepted by his or her State and adopted by the international community. China, with a population of 1.4 billion, represents almost 20 per cent of the world’s people. To put it more starkly, if human rights education is a success in China, almost one in five people globally will be aware of their human rights: a remarkable potential legacy.

Human rights education was initially viewed as an integral part of the right to education, education being the vehicle for delivering human rights knowledge. However, increasingly, human rights education is being viewed as a discrete right, which though undoubtedly linked to the right to education, can also stand alone. Human rights education is, of course, still education and the famous ‘4As’ developed by Katarina Tomaševski retain their relevance: education must be available, acceptable, adaptable and accessible. For human rights education this resonates particularly strongly: human rights awareness cannot be the preserve of the few choosing to study human rights at Beijing University, Chinese University of Politics and Law or any other institution, rather it must permeate through all spheres of society and become ingrained in practice as well as theory. China has a high rate of literacy, given the vast size of the country and thus an efficient system of primary education. Moreover, public information campaigns in China are, traditionally, highly successful with notable advancements in health and developments within society generally. This holds potential for expansive, even blanket, human rights awareness raising.

On Human Rights Day 2004, at the conclusion of the UN Decade for Human Rights Education, the UN General Assembly proclaimed a World Programme for Human Rights Education, an initiative comprising a number of distinct phases, without a specific end date. The objectives of the Programme are:

⁴ M. Nowak, ‘The Right to Education’, in A. Eide, K. Krause, A. Rosas (eds.), *Economic, Social and Cultural Rights*, 2nd edition (Martinus Nijhoff, Dordrecht, 2001) pp. 245–271, at p. 251.

⁵ See also <www.right-to-education.org>, visited on 26 January 2011.

⁶ Plan of Action for the United Nations Decade for Human Rights Education 1995-2004: Human rights education – lessons for life, UN Doc. A/51/506/Add.1, Appendix, 12 December 1996, para. 2.

⁷ UN Doc. A/59/525/Rev.1, at para. 4.

- (a) To promote the development of a culture of human rights;
- (b) To promote a common understanding, based on international instruments, of basic principles and methodologies for human rights education;
- (c) To ensure a focus on human rights education at the national, regional and international levels;
- (d) To provide a common collective framework for action by all relevant actors;
- (e) To enhance partnership and cooperation at all levels;
- (f) To take stock of and support existing human rights education programmes, to highlight successful practices, and to provide an incentive to continue and/or expand them and to develop new ones.⁸

A draft UN Declaration on Human Rights Education and Training is under preparation by the Advisory Committee of the UN Human Rights Council,⁹ and is scheduled to be submitted to the Council in March 2011.¹⁰ It proposes a broad definition of human rights education: “Human rights education and training comprises all educational, training, information and learning activities aimed at promoting a universal culture of human rights.”,¹¹ emphasising that human rights education should occur at all levels.¹² How will this be achieved in China?

3. How to Create a Culture – Waymarks and Progress Indicators

Creating a culture of human rights education is not immediate; the verb ‘create’ suggests a process and, indeed, creating a culture of human rights is a process the international community has been engaged with for over 60 years. China is no exception, and there have been considerable changes in Chinese society and government over the last 60 years, since the establishment of the Peoples’ Republic of China in 1949. Serial national programmes of education have been adopted with specified targets for access to primary education and levels of literacy. The specification of targets is important for measuring progress, especially when a process cannot be instantaneous. For human rights education, the UN has a series of targets for literacy, including the Millennium Development Goals, as well as specified goals for the decade and World Programme of Human Rights Education. Indeed, the fact the UN has opted for an open-ended World Programme is indicative of the magnitude of the task and the incremental progress likely to be made even within a decade. The first phase focused on primary and secondary education. Obviously, capturing children at a formative stage, in primary education will, through a generation, ensure a wide popular understanding of human rights. However, this goal was not achieved at the first phase’s conclusion and a consultation was undertaken¹³ to determine what the focus of a second phase should be. The results were mixed, with some bodies advocating the continuation of phase one, either alone or in conjunction with a new set of additional goals.¹⁴ (NB China did not submit comments to the Office of the High Commissioner during the consultation process.)

To achieve phase one goals, States were required to analyse the state of human rights education in schools at present, set priorities and develop a national implementation strategy and

⁸ UN Doc. A/59/525/Rev.1, at para. 7.

⁹ This body includes a member from China: Professor Shiqiu Chen.

¹⁰ Human Rights Council Resolution 15, 13th session, UN Doc. A/HRC/RES/13/15.

¹¹ Clause 1, Draft Declaration on Human Rights Education and Training, attached to Advisory Committee Resolution 4/2 (2010).

¹² *Ibid.*, Clause 3.

¹³ Human Rights Council Resolution 10/3, 2009.

¹⁴ UN Doc. A/HRC/12/36, August 2009.

begin implementation.¹⁵ These guidelines provide a blueprint for the creation of a culture of human rights education, emphasising the main points. States should take a holistic approach to human rights education, and begin the process of changing the culture by evaluating the current status of human rights education. This will provide pointers for what strategy is required and goals feasible. Strategies and implementation details are frequently contained in national action plans.

In China, an internal process, involving academics and officials, was undertaken to determine the pertinent issues of human rights in the national context. Human Rights Education was one of the identified issues. From this internal (non-publicly documented) process, a National Human Rights Action Plan for China was drafted, adopted and publicly disseminated.

3.1. China's National Human Rights Action Plan

Action plans setting out the process for creating a culture of human rights education are an important indicator of a government's commitment. The desirability of action plans was emphasised by the UN during the Decade for Human Rights Education. In China, the most recent commitment was given in the National Human Rights Action Plan of China 2009–2010. This was released shortly after the conclusion of China's first Universal Periodic Review before the Human Rights Council of the UN.¹⁶ Due to the importance of this document, and its general low-profile amongst English-speakers, part IV on education in human rights is reproduced in translation in full:

In the period 2009–2010, along with the dissemination of knowledge of the law among the general public, the state will actively rely on the present systems of compulsory education, secondary education, higher education and vocational education, training organizations in state agencies, as well as the media, including radio, television, news-papers, magazines and the Internet, to carry out education in human rights in various forms in a planned way, popularizing and spreading knowledge of the law and human rights.

- Gradually increasing the content of the law and human rights in courses of secondary and elementary schools. By making good use of the courses of Ideological and Moral Standards, China will foster students' awareness of the obligations and rights of citizens, tutoring them in the ideas of democracy, rule of law, freedom, equality, fairness and justice, as well as a healthy concept about interpersonal relations, collectivism, nation and society.

- Human rights education in secondary and elementary schools will be conducted in a flexible and vivid way in line with the characteristics of students at young age. Through varied and vivid activities after class, students will receive education in human rights from first-hand experiences and build up a healthy personality. The reform of teaching and school management will be energetically pursued, and a democratic, equal, and interactive relationship will be advocated between teachers and students, encouraging students to participate in the democratic management of the class and school, so as to enhance their awareness of democracy, rule of law and human rights through experiencing an equal and democratic relationship.

- In senior high schools, besides human rights education of a general nature, education in the "basic rights and obligations of citizens" stipulated in the Constitution and knowledge of international human rights will be carried out.

¹⁵ UN Doc. A/59/525/Rev.1, at para. 27.

¹⁶ Human Rights Council Decision 11/110 (2009) adopting conclusions of working group (UN Doc. A/HRC/11/25), together with the expressed views of China (UN Doc. A/HRC/11/37, chapter VI).

- The state continues to encourage institutions of higher learning to conduct research and education in human rights theory. Investigations into human rights education will be conducted in a number of institutions of higher learning, while scholars from universities and colleges are encouraged to carry out human right studies. The state will promote the formulating of plans for human rights education in institutions of higher learning, encouraging them to offer human rights as an elective course to all undergraduate students, and offer the course of human rights law to undergraduate students majoring in the science of law. It will promote the compiling of textbooks on human rights law and the development of teaching courseware. A number of institutions of higher learning which started human rights education earlier than others will be designated as the bases for human rights education and training.

- Human rights education and training will be carried out especially among government employees, focusing on people working in public security agencies, procuratorates, courts, prisons, urban management organs, and administrative law enforcement organs. The law enforcement departments will draw up their own plans for human rights education and training in line with their own work needs, highlighting publicity and education of regulations and laws on the protection of human rights, and give human rights education on a regular basis. The government will organize experts to compile special textbooks for human rights training. State agencies and cities with appropriate conditions will be selected as demonstration units for human rights education and training, and follow-up examinations will be conducted.

- Carrying out activities of human rights education among the general public to disseminate the knowledge of human rights and enhance the public's awareness of human rights. The government supports research on human rights theory and on-the-spot investigations throughout society organized by the China Society for Human Rights Studies, as well as the holding of training classes and lectures on human rights. The government will encourage people to develop products for human rights education that appeal to the general public, and set up a permanent mechanism for education in human rights.

- Making good use of the media, including radio, television, newspapers, magazines and the Internet, to disseminate the knowledge of human rights among the general public. The state encourages central and local news media to open special columns on human rights. It supports the development of the magazine Human Rights, China Human Rights Net and other nongovernmental websites on human rights, making good use of new media, including the Internet, to spread knowledge of human rights.

- Carrying out international exchanges and cooperation in human rights education. The state encourages and supports the China Society for Human Rights Studies, as well as human rights research organizations in institutions of higher learning and social science academies and institutes, to make good use of their teaching and scientific re-search platforms to engage in international exchanges and cooperation through various channels, and work hard to train senior professionals in human rights field with an international vision.¹⁷

China's National Action Plan is a major milestone in creating a culture of human rights education, giving tacit approval to a number of education projects and prompting academic developments. However, there is a potential problem should the momentum not continue. The period of the Plan has expired but, at the time of writing (January 2011), there is no published official review of the progress made or public date for a new plan.

3.2. The Proposed Waymarks

Undoubtedly this part of the Action Plan presents a blueprint for successfully creating a culture of human rights education within China. Addressing human rights awareness in schools is of

¹⁷ Part IV, Education in Human Rights, the Information Office of State Council, *National Human Rights Action Plan for China 2009–2010*, 2009.

fundamental importance, and indeed the objective of the first phase of the UN World Programme for Human Rights Education (China did not submit a national action plan specifically for this). However, in the Outlines of Legal Education Guidelines for Primary and High Schools jointly announced by Central Propaganda Department, Ministry of Education, Ministry of Justice and National Popularization of Legal Knowledge Office,¹⁸ it was stated that an understanding of the basic principles of international law and the core international conventions including those on world trade, human rights and the environment was an objective of legal education in high schools. There is some progress on the rhetoric of human rights education within schools,¹⁹ although the topic remains sensitive and its coverage inconsistent.²⁰ Even a basic introduction of the topic in every school could have a dramatic impact in China but, as with other countries, the teachers themselves would then have to be familiar with human rights. (As is discussed *infra*, steps are now being taken to publish a set of books on human rights for use across society.)

China's next report to the Committee on the Rights of the Child has been submitted,²¹ and its report to the Committee on Economic Social and Cultural Rights is due for consideration in 2012. Human rights education may be raised.²² An official from the State Council Information Office and the China Society for Human Rights Studies agree that "[h]uman rights are affected by economic, social and cultural development, and restricted by the level of civilization. [China's] human rights value system, ie human rights education with Chinese characteristic should combine the human rights theory with the reality of China, including Chinese history, culture and situation."²³ A radical suggestion was promulgated by Associate Professor Wang Liping from Secondary and Elementary Schools of Fujian Provincial Committee Party School: *viz* that a human rights course could replace the ideological and political course currently compulsory in primary and secondary schools and thus become embedded in the nine-year compulsory education system.²⁴

The National Plan envisages an evolving programme of human rights education from primary level through secondary and tertiary levels of formal education to lifelong learning initiatives aimed at engendering popular awareness of human rights issues. This, if realised, would obviously be in keeping with the goals of the World Programme. Extending human rights education to government officials is a very positive step, reflecting international statements and the tenet of the UN Draft Declaration on Human Rights Education and Training.²⁵ This reflects

¹⁸ 24 July 2007, <www.moe.gov.cn/publicfiles/business/htmlfiles/moe/s3325/201001/xxgk_81933.html>, Website of the Ministry of Education, visited on 2011 January 28.

¹⁹ See also National Center for Education Development Research, *National Report on Mid-Term Assessment of Education for All in China* (Chinese National Commission for UNESCO, 2008), <www.un.org.cn/public/resource/f159de42fc9d1559de2b7f47f0ad3a6.pdf>, visited on 26 January 2011.

²⁰ Obviously the sheer scale of China and, accordingly China's school system, presents problems, but there is little evidence of systematic teaching of human rights in state schools as an integral part of the curriculum.

²¹ Third and fourth combined report (UN Doc. CRC/C/CHN/3-4), July 2010.

²² Katarina Tomaševski's Rapporteur report on China also made extensive comments on human rights within education at all levels, but this is outside the scope of the current article.

²³ Quoted in YH Shen, 'Mainland Prepare to Establish Human Rights Education Bases', 35 *Phoenix Weekly*, 15 December 2010, pp. 34-36, translation into English provided by Chen Yifang.

²⁴ Quoted in Shen, *ibid.* For current system, see Compulsory Education Law of the People's Republic of China 1996, amended 2006,

<202.205.177.9/edoas/en/level3.jsp?tablename=1242700726117393&inoid=1248314859053682&title=Compulsory Education Law of the People's Republic of China>, visited on 26 January 2011.

²⁵ Clauses 16 *et seq.* on State responsibility for implementation of human rights education.

the understanding that “[e]ducation involves much more than the transmission of knowledge and skills”,²⁶ rather it is almost an organic construct which grows continually and is without final conclusion. Lifelong learning in its purest form reflects the tenets of human rights education as envisaged by the UN and by its former Special Rapporteur on the right to education, Katarina Tomaševski.

There are some obvious challenges, if taking the National Plan at face value, not least content, resources and training. Crucially, the content of ‘human rights’ for the purpose of the Plan is not specified: it is feasible that the focus could be on national law (constitutional provisions) rather than on international human rights standards. Given that China has a dualist approach to treaty law, this would be unsurprising even in a university law course.²⁷ However, the World Programme of Human Rights Education Plan of Action makes clear that the objective of the World Programme is to promote education based on international instruments.²⁸

This first phase focused on primary and secondary education, stages of education identified in China’s National Action Plan. There is no information available on China’s response to the questionnaire on its implementation of this phase of the Programme (the questionnaires were only due at the end of March 2010) though undoubtedly the text of the National Action Plan will be relied on by the government as evidence of its implementation. “Human rights education is not only about good intentions and action plans”;²⁹ thus China will have to provide additional evidence of its ongoing commitment to achieve a degree of transparency *vis-à-vis* conformity with international human rights obligations.

Katarina Tomaševski also argued that the realisation of human rights in education is an essential prerequisite for human rights education.³⁰ Within China, some issues remain unsolved concerning access to free education and access to higher education for vulnerable (*e.g.* disabled) peoples and minorities.³¹ In the human rights masters programme at Peking University Law School, clear attempts are made to ensure gender parity in the students selected for the course and attempts are made to be more inclusive with mature students from practice (*e.g.* procurators and law lecturers from universities in the western provinces of China) and students from minorities.

In many respects, China’s experience is more one of general awareness-raising. A national consciousness of universal human rights standards and China’s obligations in respect thereof is a valuable exercise and a clear waymark on the road to creating a culture of human rights in China. The National Plan has played a pivotal role in this. The translation of the rhetoric into reality is, perhaps inevitably, a slower process. A short-term Plan sets the scene, but follow-ups are required to monitor progress, maintain the impetus and embed the concept of human rights for all.

²⁶ UN Doc. E/CN.4/2002/60/Add.1, para 76, Special Rapporteur report on her Mission to the USA.

²⁷ Many dualist countries do not routinely teach international treaty law, which is deemed distant and almost irrelevant from national laws and policies.

²⁸ *E.g.* see para. 7(b), *Revised Draft Plan for the first phase (2005–2007) of the World Programme for Human Rights Education*, Annexe to UN Doc. A/59/525/Rev.1.

²⁹ G. Alfredsson, ‘The Right to Human Rights Education’, in A. Eide, K. Krause and A. Rosas (eds.), *Economic, Social and Cultural Rights*, 2nd edition (Martinus Nijhoff, Dordrecht, 2001) pp. 273–288, at p. 273.

³⁰ K. Tomaševski, *Human rights in education as prerequisite for human rights education*, Right to Education Primers 4, Raoul Wallenberg Institute, Lund, 2001.

³¹ As noted above, these aspects of her report are not considered herein.

4. China and Human Rights Education – Universities

Now it is time to turn to the university experience in China. Inevitably human rights knowledge is often transmitted initially through academic programmes, usually initially in law schools given that international human rights appear in treaties which are obviously legal instruments.

Almost every human rights course at tertiary level in China began after 2000. The principal exception (Shandong Law School) began teaching human rights in 1995 though subsequently discontinued teaching for a number of years recommencing in the early 2000s.³² Indeed it was only in 2001 that the Chinese Ministry of Education listed human rights as an elective law subject, placing it first after the compulsory law courses. No further advance has been made and thus human rights remains an elective subject as it is not compulsory for law (or indeed any other) students in China. Although this appears contrary to the concept of effective human rights education, China is not unique as few countries stipulate international human rights as compulsory for law students, or across tertiary education generally. Following the recognition of human rights law as an elective, a gap in academic knowledge and teaching materials was identified.

From 2001–2007, the Nordic human rights institutions³³ trained some 200 Chinese university teachers in international human rights law,³⁴ with about twice that number in total involved in Nordic training activities. Initially activities focused on public international law academics; though this was soon extended to other law disciplines and now participants at seminars and trainings are drawn from criminal and criminal procedure law, constitutional and administrative law, jurisprudence and legal theory, *etc.* Human Rights are thus increasingly viewed as impacting on all legal disciplines in China³⁵ although it still has a ‘low status’.³⁶ A number of textbooks were also developed over the same period, some entirely Chinese, others with international collaboration. The first textbook was an international collaboration edited by staff from the Chinese University of Political Science and Law together with the Norwegian Centre of Human Rights, published in 2002.³⁷ This is effectively a ‘reader’ comprised of extracts from literature and various human rights documents and cases. To many Chinese users, this approach was novel and initially considered difficult to use as it ‘lacked’ the traditional systematic rigor of Chinese texts in other law subjects.³⁸ However, a ‘reader’ approach certainly is common in some other jurisdictions and has the advantage of providing a portable version of key materials when there may be difficulties accessing the materials concerned (through both lack of full internet access and lack of materials available freely in Chinese language). This was followed by two further edited texts in 2004.³⁹ Xu Xianming’s ‘yellow’ textbook is heavily orientated towards

³² Footnote 12 in SY Sun *et al.*, *Human Rights Education Survey Project*, report to Raoul Wallenberg Institute, 2005.

³³ Raoul Wallenberg Institute (Sweden), Norwegian Centre for Human Rights, Danish Institute of Human Rights.

³⁴ National Human Rights Education Annual Meeting 2008 Narrative Report, p. 1.

³⁵ In China, law is usually divided into such disciplines with interaction between the different specialisms relatively uncommon.

³⁶ Li Buyun, quoted in Shen, *supra* note 23.

³⁷ *International Human Rights Law Textbook* (CUPSL Press, 2002) – popularly known as ‘the blue textbook’.

³⁸ Sun *et al.*, *supra* note 32, at D, point 1.

³⁹ CM Yang (ed.), *Human Rights Law* [Ren Quan Fa Xue] (Fangzheng Press, 2004) and XM Xu (ed.), *International Human Rights Law* [Guo Ji Ren Quan Fa Xue] (Law Press, 2004) (‘the yellow textbook’) the production of which was supported by the UN Foreign and Commonwealth Office through the British Council.

international law. While reflecting the traditional pedagogies in China, it lacks theoretical analysis, deemed crucial for contextualising human rights as part of the rule of law in China,⁴⁰ a problem not faced by Professor Li Buyun's theory focused 'red textbook' published in 2005.⁴¹ Finally Nanjing University Law School also entered the market in 2005.⁴² Li Buyun's text is regarded as the 'official' textbook with the support of the Chinese Ministry of Education, tacitly endorsing the teaching of human rights in Chinese universities. It is written in a traditional style for Chinese law textbooks with the emphasis on the theoretical and philosophical elements of human rights and treating international law as distinct from national law (arguably correct in a strictly dualistic State but problematic for human rights). A human rights law casebook, edited by Professors Li Buyun and Sun Shiyan,⁴³ adds academically evaluated resources to this. This initial flurry of textbooks was not sustained, and it is only in 2010 that the newest introductory textbook is being prepared, a book aimed at facilitating human rights education across undergraduate programmes.⁴⁴ In addition, various foreign institutions and donors have sponsored the translation of foreign texts into Chinese. These include texts by Manfred Nowak,⁴⁵ Louis Henkin,⁴⁶ R. J. Vincent,⁴⁷ Rebecca J. Cook,⁴⁸ Gudmundur Alfredsson, Asbjørn Eide *et al.*⁴⁹ Perhaps more pertinently, for the present article, the *Manual on Human Rights Education* edited by Wolfgang Benedek and Minna Nikolova has also been translated into Chinese.⁵⁰ Some criticism has been levied against foreign donated books as anecdotal evidence suggests they are not well used, other than as an occasional reference resource,⁵¹ and that such books may be deemed 'valuable' resources and thus not freely accessible to all undergraduate (and graduate students).⁵² There are now a wide range of textbooks available in Chinese language (although many Chinese scholars and students can also read fluently in English); the expansion of the

⁴⁰ Sun *et al.*, *supra* note 32, at D, point 2.

⁴¹ BY Li, *Human Rights Law* [Ren Quan Fa Xue] (Higher Education Press 2005) ('the red textbook')

⁴² CF Yang (ed.), *Human Rights Law* [Ren Quan Fa Xue] (Science Press, 2005, 2nd edition, 2010).

⁴³ *Ren Quan An Li Xuan Bian* (Higher Education Press, 2008).

⁴⁴ GM Bai (ed.), *Human Rights Law* [Ren Quan Fa Xue] (Peking University Press, forthcoming in 2011).

⁴⁵ M. Nowak, *Introduction to the International Human Rights Regime* (Brill Publishers, Leiden, 2003) the Chinese version, *Guoji Renquan Zhidu DaoLun*, translated by HW Liu (Peking University Press, 2010) and *U.N. Covenant on Civil and Political Rights CCPR Commentary*, 2nd edition (N.P. Engel Publisher), the Chinese version *Gong Min Quan Li He Zheng Zhi Quan Li*, *Guo Ji Gong Yue Ping Zhu*, translated by SY Sun and XQ Bi (San Lian Publishing, now 2nd revised edition, 2008).

⁴⁶ L. Henkin, *The Age of Rights* (Columbia University Press, New York, 1990), the Chinese version, *Quanli de Shidai*, translated by CY Xin (Knowledge Press, 1997).

⁴⁷ R. J. Vincent, *Human Rights and International Relations*, (Cambridge University Press, 1986), the Chinese version, *Renquan yu Guoji Guanxi*, translated by D Ling (Knowledge Press 1998).

⁴⁸ R. J. Cook (ed.), *Human Rights of Women: National and International Perspectives* (University of Pennsylvania Press, Philadelphia, 1994), the Chinese version, *Funv de Renquan: Guojia he Guoji de Shijiao*, translated by L. Huang (Chinese Social Sciences Press, 2001).

⁴⁹ *The Universal Declaration of Human Rights, A Common Standard of Achievement* [Shi jie Ren Quan Xuan Yan: nu li shi xian de gong tong biao zhun], translated by China Human Rights Society (Sichuan Peoples Publishing House, 2000).

⁵⁰ *Ren Quan Jiao Yu Shou Le*, translation undertaken by the current Chinese permanent member and ambassador to the United Nations in New York, BD Li (San Lian Publishing House, 2005).

⁵¹ Sun *et al.*, *supra* note 32, at E.

⁵² There is a difficult balancing act between encouraging the use of a set of single copies of different (and expensive) international books and protecting those books from the normal wear and tear of usage.

internet has ensured access to a wider range of materials (albeit international internet access can be expensive for students in China and, of course, some websites can be blocked⁵³) with the website of the Office of the High Commissioner of Human Rights and the United Nations providing core materials in English and (eventually) in Chinese.⁵⁴

With the creation of Chinese language materials, and the incremental and sustainable training of Chinese academics in international human rights, the next inevitable stage was to develop university programmes in human rights. Although a number of universities offered elective courses, there was no tertiary level human rights programme in China. In 2004, Peking University Law School in conjunction with the Raoul Wallenberg Institute launched the first human rights masters programme in China.⁵⁵ This course was offered by the Law School and open to all students. The course is partially taught in English, adding further ‘value’ for the students in an increasingly competitive employment market. By June 2010, around 130 students have graduated from the programme. The Chinese University of Politics and Law (CUPL) followed in 2005 with a masters direction and, in 2007, began their standalone masters and PhD programmes in human rights, the first such Chinese-funded programme in China. Every year more universities offer courses in human rights: now more than 30 universities. At least for those programmes and courses with a degree of past or present international support, a declared objective is creating a culture of human rights education in China.⁵⁶

“Human rights law is gradually becoming a legitimate field of legal education and there is now a group of committed human rights teachers in China who not only teach human rights law, but who also participate in policy reform debates and act as advisors to the Chinese government”, wrote Bjornstol in 2009.⁵⁷ A useful source of relevant information is the book edited by Sun Shiyan containing chapters written by those teaching human rights on different experiences of human rights education in China.⁵⁸

In 2011, more than 60 years after the adoption of the Universal Declaration on Human Rights with the General Assembly’s exhortation to publicise the text of the Declaration⁵⁹ much remains to be done. Within China, there is agreement on the desirability of a network of human rights

⁵³ Certain English (and other) language non-governmental organisation websites are not available in China, the same is true for various human rights focussed blogs and news feeds. Some Chinese language and hosted websites may also experience intermittent problems.

⁵⁴ Peking University Law School, with support from the Raoul Wallenberg Institute, has established a virtual resource centre for human rights with links to many of the key instruments and a variety of support material, <www.hrol.org>, visited 26 January 2011.

⁵⁵ Indeed it was only the third such programme in Asia, the others were the Master of Laws in Human Rights at Hong Kong University (<www.hku.hk/law/programmes/pp_llm_human_rights.html>, visited 26 January 2011) and the Master of Arts in Human Rights Mahidol University in Thailand (<www.humanrights-mu.org/index.php/offer/mainter>, visited 23 January 2011).

⁵⁶ For an empirical study on the impact of the Peking University programme, see J. Yeh, ‘Promoting Human Rights in China through education: An empirical impact evaluation of the Swedish approach from a student perspective’, 10:1 *Asian-Pacific Law and Policy Journal* (2008) pp. 114–167.

⁵⁷ E. Bjornstol, ‘Human Rights Law Education in China’, 1 *Web Journal of Current Legal Issues* (2009), <webjcli.ncl.ac.uk/2009/issue1/bjornstol1.html>, visited 26 January 2011, though note the concerns expressed by BY Li in the article in *Phoenix Weekly* (*supra* note 23).

⁵⁸ *Human Rights Teaching at Chinese Universities: problems and prospects* [Zhongguo Daxue de Ren Quan Fa Jiao Xue: Xianzhuang yu Zhan Wang] (Science Publishing).

⁵⁹ General Assembly resolution 217 (III) D.

teachers, a mechanism for facilitating the exchange of ideas, the identification and hopefully solving of common problems and cooperation within China. Accordingly the Nordic institutions agreed to support this initiative. The first National Human Rights Education Annual Meeting was held in Beijing in late 2008, the second also in Beijing in 2009 and the third in Guangzhou in 2010. The narrative reports and feedback from these initial meetings was overwhelmingly positive.⁶⁰ Participants commented on their enhanced understanding of international human rights law, rule of law and human rights in China, and, in 2009, of the National Human Rights Action Plan. Thus there is evidence of ongoing teacher education and continuous professional development. Additionally, discussions on curriculum planning and teaching methodologies allowed good practices to be shared and problems discussed, a process being continued with the creation of an Internet QQ network for human rights teachers.

There is clear evidence of a culture of human rights education taking root among some university teachers. Law schools have been the usual forum and law teachers the usual proponents of human rights education. Even then, there is still a tendency to view human rights as the preserve of, depending on how it is taught, criminal procedure lawyers, jurisprudentialists, constitutional lawyers or, most commonly, public international lawyers. Some interdisciplinary work is being undertaken and there is growing evidence of students across a number of disciplines being interested in human rights.⁶¹ This movement is also reflected in increasing inter-disciplinary and multi-disciplinary human rights research and related activities. The Norwegian Centre for Human Rights and the Raoul Wallenberg Institute, for example, undertook a joint multi-disciplinary research project from 2008–2010. Academics were challenged to engage with diverse research methods and conceptualise human rights as multi-faceted and interdisciplinary.⁶²

5. China and Human Rights Education – Wider Community

Contemporaneously to these developments, human rights education has extended to other groups. Thus, Raoul Wallenberg Institute worked closely with prosecutors and teachers from the National Prosecutor's College. This activity has resulted in a human rights textbook for prosecutors,⁶³ which is the first of its kind in China and possibly in the world. The textbook is structured according to the different phases of criminal proceedings and thus the different stages of prosecutorial work. Professor Li Buyun has undertaken human rights training for public officials since 2001. In Hunan Province, he has taught in workshops for police, procuratorates, courts, prisons and judges. He has also worked with a variety of national human rights focused organisations (e.g. disabled peoples and women's groups).⁶⁴ Through his Guangzhou University Human Rights Research Centre, over two thousand judges, police and prosecutors have attended

⁶⁰ See generally the narrative reports from each meeting (available through RWI).

⁶¹ E.g. analysis of student backgrounds on Peking University masters' programme.

⁶² The end product is a book: T. Landman, W. Simmons and R. Smith, *Human Rights in Our Time; Multidisciplinary Perspectives* (China Legal Publishing House, 2010).

⁶³ Editorial group of the National Prosecutors College of the Peoples Republic of China, *Prosecutors and Human Rights Protection: A Textbook* [Jian Cha Guan Yu Ren Quan Bao Zhang Jiao Cheng] (Prosecutorial Publishing House, 2009).

⁶⁴ Keynote address to the National Human Rights Experts Annual Meeting, Guangzhou, September 2010, notes on file with author.

human rights training workshops.⁶⁵ A number of other universities are engaged with police and public official trainings on human rights. Such initiatives clearly contribute to the creation of a culture of human rights in China.

The China Society for Human Rights Studies is in the process of preparing a series of books on human rights knowledge for publication in 2011. These are aimed at all levels of society and authored by academics, including books for citizens, judicial officers, law enforcement officers, policemen, prison officers, women and juveniles.

At present seven books are scheduled for publication towards the end of 2011. It is to be hoped that the 'official-ness' of these books will result in general endorsement and use. Certainly, there are some excellent scholars involved in drafting them. A blue paper⁶⁶ on human rights, authored by various academics, is scheduled for completion in 2011. Although conjecture, this has the potential to further emphasise the extent to which a Chinese approach to human rights education could develop and thus facilitate an evaluation of such an approach in the context of the UN standards. It further reflects the National Plan and demonstrates 'willingness' to broaden and extend human rights education.

Undoubtedly human rights education is receiving formal, governmental-level attention. There are advanced plans to establish three human rights education bases across China, centres which are expected to be involved in training public officials. It is obviously too early to evaluate this initiative and its success (measures against international standards) depends on the content of such teaching, not merely its existence. Nevertheless, formally endorsed human rights education centres, working 'on the ground' advancing human rights knowledge and embedding human rights in the public sector, is an important step towards creating a culture of human rights education in China.

6. Conclusions

That China has made significant progress towards creating a culture of human rights is beyond doubt, as is the fact that considerable work remains outstanding as the rhetoric of human rights education is yet to become an enforceable reality in China. Nevertheless, the changes in China since the visit of the former Special Rapporteur are remarkable. There is certainly a greater awareness of human rights officially, albeit there are still sensitive issues and evidence of ideological and political influences on the topic. However, the mere existence of a National Action Plan, the plans for the series of practitioner and public focused books and the growth in human rights courses in universities and trainings for practitioners must be viewed as positive steps. Human rights education remains a utopian ideal around the world. While China has many unresolved issues, undoubtedly positive progress continues to be made, albeit slowly. "It is a case of chipping away", as a schoolboy summed up Katarina Tomaševski's work as Special Rapporteur.⁶⁸ In China, the 'chipping away' continues as a culture of human rights education in China evolves from those first tentative, regulated steps.

⁶⁵ Shen, *supra* note 23.

⁶⁶ *Ibid.*

⁶⁷ Li, *supra* note 41, NHREAM, *supra* note 64, and Shen, *supra* note 23.

⁶⁸ K. Tomaševski, *Education Denied* (Zed books, London, 2003) p. xiii.